

REMARKS

Summary of the Office Action

Claims 1 – 24 stand rejected under 35 U.S.C. § 102(a) as being anticipated by “A Stochastic Search for Test Assembly, Item Pool Analysis, and Design”, Belov and Armstrong, January 2004 (“Stochastic Search”).

Response

Enclosed herewith is a Declaration by Applicant Under 37 C.F.R. 1.132 (“Declaration”), which is incorporated herein by reference in its entirety. The Declaration is executed by the sole inventor in this application, Dmitry Belov. As established by the Declaration, Stochastic Search is not prior art under 102(a) because any contributions made by Ronald D. Armstrong (co-author of Stochastic Search) to the Stochastic Search article are not claimed in this patent application.

Conclusion

In view of the foregoing, Applicant respectfully requests the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant’s undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

/Alison B. Weisberg/
Alison B. Weisberg
Reg. No. 45,206

Dated: April 30, 2008